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10/690,816	10/23/2003	David Andrew Matthews	306210.01/MFCP.139203	5432
45809 7590 02/28/2011 SHOOK, HARDY & BACON L.L.P. (MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613				
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SHIH, HAOSHIAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/690,816

Applicant(s)

MATTHEWS ET AL.

Examiner

HAOSHIAN SHIH

Art Unit

2173

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 30-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-24 and 30-31 are pending in this application and have been examined in response to application RCE filed on 04/21/2010.
2. Application effective date: 10/23/2003.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-2 and 12 are rejected under 35 U.S.C. 102(b) as being unpatentable by Microsoft XP operating system (XP).**
5. As to **INDEPENDENT** claim 1, XP discloses in a computer system having a processor, memory, and data storage subsystems, a computer generated graphical user interface for accepting user input commands comprising: a first area containing a compact listing of menu item (pg.1 menu items such as "Internet", "E-mail" and "Calculator" are displayed in the first area), the first area further comprising:
An operating system (OS) section consisting of commonly accessed OS specific menu items (pg.1, pg.4; operating system specific menu items such as "Control Panel",

Set Program Access and Def..." and "Printers and Faxes" are displayed, wherein the "Control Panel" menu item expands access to other operating specific items); and

an application program (AP) section consisting of commonly accessed AP specific menu items and a single AP menu item expanding access to all other AP specific items (pg.1, pg.5; application specific menu items such as "Internet Explorer" and "Adobe Acrobat..." are displayed, wherein "All programs" menu item expands access to other application specific items),

wherein the OS section is grouped completely separately from the AP section (pg.1, operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are group separately from application program specific items by dividing lines surrounding the OS section); and

a second area that includes an icon selected from a set of icons based on a location of a pointer relative to an associated OS menu item (pg.4, a specific icon area to the left of the OS menu item "Control Panel" is emphasized based on a pointer selection);

wherein the graphical user interface is part of an operating system shell (pg.1, the XP start menu is a part of the Windows XP operating system shell).

6. As to claim 2, XP discloses wherein the first area is a start menu (pg.2).
7. As to claim 12, XP discloses wherein the icon is located immediately adjacent to the start menu (pg.1).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over XP in view of YZ dock.

10. As to claims 3, XP does not disclose wherein the icon is an animated icon.

In the same field of endeavor, YZ dock discloses wherein the icon is an animated icon (pg.1-3; the icons are animated based on user interactions).

It would have been obvious to one of ordinary skill in the art, having the teaching of XP and YZ dock before him at the time the invention was made, to modify the menu item interface taught by XP to include an animated selection emphasis taught by YZ dock with the motivation being to provide an interactive cue to capture/retain user's attention.

11. As to claim 4, YZ dock discloses wherein the animated icon appears as hovering over at least a portion of the second area (pg.1, the icon that represents System information appears to be hovering over the gray area behind the icon).

12. As to claim 5, YZ dock discloses wherein the animated icon is three-dimensional in appearance (pg.1, the icon that represents System information has the appearance of height, width and length).

13. As to claim 6, XP discloses [a menu item] located in the operating system shell (pg.3). YZ dock discloses wherein the hovering of the animated icon comprises a three-dimensional appearing object (pg.1).

14. As to claim 7, YZ dock discloses the animated icon further appears reflected in the start menu to give a further three-dimensional hovering effect (pg.1, the different shadings on the icons gives sense of a light source reflecting off the icons) .

15. As to claim 8, YZ dock discloses wherein the animated icon appears as rocking from side-to-side (pg.1, pg.2; the icon rocks from one side to another side).

16. As to claim 10, XP discloses wherein the icon is contextually related to an item in the start menu over which the pointer is located (pg.2; the icon "e" is contextually related to the menu item "Internet Explorer"). YZ dock discloses wherein the [icon is] animated (pg.1-2).

17. As to claim 11, YZ dock discloses wherein the contextually related icon provides an indication of an action that will occur if the menu item is selected (pg.1-2; the icon rocks up and down to confirm a user selection).

18. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over XP, YZ dock and in view of Rosendahl et al. (Rosendahl, US Patent 5,452,414).

19. As to claim 9, XP and YZ dock do not disclose the animated icon rotates based on the movement of the pointer.

In the same field of endeavor, Rosendahl discloses the icon rotates based on the movement of the pointer (col 4, line 13-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of XP and YZ dock and the teaching of Rosendahl in order to provide additional information associated with the icon (Rosendahl, col.1, lines 60-64).

20. Claims 13-16, 19-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over XP in view of Gardner et al. (Gardner, US 7,003,734).

21. As to **INDEPENDENT** claim 13, XP discloses a method for providing visual feedback in a graphical user interface having a menu comprising a compact listing of displayed menu items, each menu item being associated with an icon different in appearance from the associated menu item, comprising the steps of: receiving a first user input that causes a pointer to be located over an operating system section (OS), the OS section consisting of commonly accessed OS specific menu items and a single menu OS item expanding access to all other OS specific menu items (pg.1, pg.4; operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are displayed, wherein the "Control Panel" menu item expands access to other operating specific items);

Receiving a second user input that causes the pointer to be located over an application program section (AP), the AP section consisting of commonly accessed AP specific menu items and a single AP menu item expanding access to all other AP specific menu items (pg.1, pg.5; application specific menu items such as "Internet Explorer" and "Adobe Acrobat..." are displayed, wherein "All programs" menu item expands access to other application specific items);

the graphical user interface is part of an operating system shell organized into a tree-structural hierarchy (pg.1,pg.4; the XP start menu is a part of the Windows XP operating system shell in a tree structural).

The associated icon provides an indication of an action that will occur if the displayed OS or AP menu item is selected (pg.2, selecting the internet explorer will launch a browser to browse the internet); and

The OS section is grouped completely separately from the AP section (pg.1, operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are group separately from application program specific items such as "Internet Explorer", "Adobe Acrobat..." and "Snagit 7" by a plurality of dividers/lines).

XP does not disclose in response to the first user input, displaying in a first distinct area of the graphical user interface an icon associated with that OS specific menu item located by the first user input, wherein the first distinct area remains in a fixed position relative to the pointer upon movement of the pointer; in response to the second user input, displaying in a second distinct area of the graphical user interface an icon associated with that AP specific menu item located by the second user input; the second distinct area remains in a fixed position relative to the pointer upon movment of the pointer; the first distinct area and the second distinct area do not overlap the OS or AP menu item located by the first or second user input, respectively;

In the same field of endeavor, Gardner discloses in response to the first user input, displaying in a first distinct area of the graphical user interface an icon associated with that OS specific menu item located by the first user input, wherein the first distinct area remains in a fixed position relative to the pointer upon movement of the pointer (fig.3, "100", "120"; col.6, lines 38-42); in response to the second user input, displaying in a second distinct area of the graphical user interface an icon associated with that AP

specific menu item located by the second user input (fig.3, "100", "120"; col.6, lines 38-42); the second distinct area remains in a fixed position relative to the pointer upon movement of the pointer (col.6, lines 23-29; the iconic imagery is activated as long as the pointer is within the area of the designated hotspot); and the first distinct area and the second distinct area do not overlap the OS or AP menu item located by the first or second user input, respectively (fig.3, "80", "120"; the displayed iconic imagery "120" is separated from the menu "80").

It would have been obvious to one of ordinary skill in the art, having the teaching of XP and the teaching of Gardner before him at the time the invention was made, to modify the menu item interface taught by XP to include a hot spot sub area selection emphasis taught by Gardner with the motivation being to provide additional visually perceivable information to capture/retain user's attention (Gardner, col.3, lines 48-52).

22. As to claim 14, Gardner discloses wherein the icon is an animated icon (col.6, lines 41-43).

23. As to claim 15, XP discloses wherein the menu is a start menu (pg.2).

24. As to claims 16, XP discloses wherein the icon is contextually related to the icon's associated menu item in the start menu (pg.2; the icon "e" is contextually related

to the menu item "Internet Explorer"). Gardner disclose wherein the [icon is] animated (col.6, lines 41-43).

25. As to claim 18, XP discloses wherein the icon is a predefined object type in the shell namespace, wherein the shell namespace organizes a file system of the operating system shell into a single tree-structure hierarchy (pg.1,pg.6). Gardner disclose wherein the [icon is] animated (col.6, lines 41-43).

26. As to **INDEPENDENT** claim 19, XP discloses a computer-readable storage medium having computer-executable instructions for providing visual feedback in a graphical user interface having a menu comprising a plurality of displayed menu items, each menu item being associated with an icon different from the associated menu item, by performing the steps comprising: receiving user input that causes a pointer to be located over a menu item, (pg.1, operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are group separately from application program specific items such as "Internet Explorer", "Adobe Acrobat..." and "SnagIt 7" by a plurality of dividers/lines), the menu further comprising:

An operating system (OS) section consisting of commonly accessed OS specific menu items and a single OS menu item expanding access to all other OS specific menu items (pg.1, pg.4; operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are displayed, wherein the "Control Panel" menu item expands access to other operating specific items); and

an application program (AP) section consisting of commonly accessed AP specific menu items and a single AP menu item expanding access to all other AP specific menu items (pg.1, pg.5; application specific menu items such as "Internet Explorer" and "Adobe Acrobat..." are displayed, wherein "All programs" menu item expands access to other application specific items),

wherein the OS section is grouped completely separately from the AP section (pg.1, operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are group separately from application program specific items such as "Internet Explorer", "Adobe Acrobat..." and "Snagit 7" by a plurality of dividers/lines); and

wherein the graphical user interface is part of an operating system shell (pg.1, the XP start menu is a part of the Windows XP operating system shell).

XP does not disclose in response to the user input, displaying the icon associated with the pointer-located displayed menu item in a distinct area of the graphical user interface; wherein the distinct area does not overlap the pointer-located displayed menu item

In the same field of endeavor, Gardner discloses in response to the user input, displaying the icon associated with the pointer-located displayed menu item in a distinct area of the graphical user interface (fig.3, "100", "120"; col.6, lines 38-42); wherein the distinct area does not overlap the pointer-located displayed menu item (fig.3, "80", "120"; the displayed iconic imagery "120" is separated from the menu "80").

It would have been obvious to one of ordinary skill in the art, having the teaching of XP and the teaching of Gardner before him at the time the invention was made, to modify the menu item interface taught by XP to include a hot spot sub area selection emphasis taught by Gardner with the motivation being to provide additional visually perceivable information to capture/retain user's attention (Gardner, col.3, lines 48-52).

27. As to claim 20, Gardner discloses wherein the icon is an animated icon (col.6, lines 41-43).

28. As to claim 21, XP discloses wherein the menu is a start menu (pg.2).

29. As to claim 22, XP discloses wherein the icon is contextually related to the icon's associated menu item in the start menu (pg.2; the icon "e" is contextually related to the menu item "Internet Explorer"). Gardner disclose wherein the [icon is] animated (col.6, lines 41-43).

30. As to claim 24, XP discloses wherein the icon is a predefined object type in the operating system shell (pg.6). Gardner disclose wherein the [icon is] animated (col.6, lines 41-43).

31. Claims 17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over XP, Gardner, and in view of Viellescaze et al. (Viellescaze, US 2004/0179043 A1).

32. As to claim 17, XP and Gardner do not disclose the wherein the displaying step further comprises an introduction animation element that causes the animated icon to move and flip; a looping animation; and an ending animation that changes the icon back to its original appearance.

In the same field of endeavor, Viellescaze discloses displaying step further comprises an introduction animation element that causes the animated icon ([0049], the dimension of the animated "agent" can be reduced to the size of an icon) to move and flip ([0195], the animated icon is associated with a series predefined movements); a looping animation ([0205]); and an ending animation that changes the icon back to its original appearance ([0216]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of XP and Gardner and the teaching of Viellescaze in order to provide an interactive interface in order to capture/retain user's attention (Viellescaze, [0001]).

33. As to claim 23, see rationale addressed in the rejection of claim 17 above.

34. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over XP in view of Gardner and in further view of Rosendahl and Edelsbrunner (US 5,850,229 B1).

35. As to **INDEPENDENT** claim 30, XP discloses one or more computer readable storage media containing computer readable instructions embodied thereon for providing, as part of an operating system shell, a computer generated graphical user interface for accepting user input commands, said graphical user interface comprising:

a pointer for selecting menu items and icons (pg.2, a cursor selecting a menu item "Internet Explorer");

a start menu divided into a compact listing of discrete sections, a first discrete section consisting of commonly accessed operating system (OS) specific menu items and a single OS menu item expanding access to all other OS specific items (pg.1, pg.4; operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are displayed, wherein the "Control Panel" menu item expands access to other operating specific items), the first discrete section grouped separately from a second discrete section consisting of commonly accessed application program (AP) specific menu items and a single AP menu item expanding access to all other AP specific menu items; and (pg.1, pg.5; application specific menu items such as "Internet Explorer" and "Adobe Acrobat..." are displayed, wherein "All programs" menu item expands access to other application specific items);

XP does not disclose wherein the icon is displayed in a different, non-overlapping discrete section from its corresponding OS menu item or the AP menu item; an animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating, and the animated three-dimensional appearing icon changes appearance based on the OS menu item or the AP menu item over which the pointer is located; and wherein the animated three-dimensional appearing icon provides an animated indication of a first action that will occur if a first OS or AP menu item is selected, and further morphs into a second appearance when the pointer moves over a second OS or AP menu item to provide an animated indication of a second action that will occur if the second OS or AP menu item is selected

In the same field of endeavor, Gardner discloses wherein the icon is displayed in a different, non-overlapping discrete section from its corresponding OS menu item or the AP menu item (fig.3, "80", "120"; the displayed iconic imagery "120" is separated from the menu "80").

It would have been obvious to one of ordinary skill in the art, having the teaching of XP and the teaching of Gardner before him at the time the invention was made, to modify the menu item interface taught by XP to include a hot spot sub area selection emphasis taught by Gardner with the motivation being to provide additional visually perceivable information to capture/retain user's attention (Gardner, col.3, lines 48-52).

XP and Gardner do not specifically disclose an animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating, and the animated three-dimensional appearing icon changes appearance based on the OS menu item or the AP menu item over which the pointer is located; and wherein the animated three-dimensional appearing icon provides an animated indication of a first action that will occur if a first OS or AP menu item is selected, and further morphs into a second appearance when the pointer moves over a second OS or AP menu item to provide an animated indication of a second action that will occur if the second OS or AP menu item is selected.

In the same field of endeavor, Rosendahl discloses an animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating, wherein the animated three-dimensional appearing icon provides an animated indication of a first action that will occur if a first OS or AP menu item is selected, and to provide an animated indication of a second action that will occur if the second OS or AP menu item is selected (col.3, lines 39-41; col.4, lines 16-19; a selected icon that is associated with a particular menu item rotates to provide user with information/actions associated with the selected icon); the animated three-dimensional appearing icon changes appearance based on the OS menu item or the AP menu item over which the pointer is located (col.3, lines 63- col.4 lines 2; the orientation of the selected menu item is changed based on direct pointer manipulation).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of XP and the teachings of Rosendahl in order to provide additional information associated to the icon (Rosendahl, col.1, lines 60-64).

XP and Rosendahl do not specifically disclose morphing into a second appearance when the pointer moves over a second OS or AP menu item.

In the same field of endeavor, Edelsbrunner discloses morph[ing from one object to another object] (col.1, lines 19-30).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of XP and Rosendahl and the teaching of Trika in order to provide a smooth transition between different on screen objects.

36. As to claim 31, Rosendahl discloses the computer generated user interface of the side-to-side movement of the three-dimensional appearing icon is determined in real-time in response to a movement of the pointer (col 4, line 06-15).

Response to Arguments

Applicant's arguments filed 04/21/2010 have been fully considered but they are not persuasive.

37. Applicant argues XP does not disclose an operating system section consisting of commonly accessed operating system specific items.

In response to applicant's argument, XP discloses operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are group separately from application program specific items by dividing lines surrounding the operating system specific menu items (pg.1).

38. Applicant argues the "All Programs" item cited by XP opens everything including application programs and OS items and the commonly accessed items already showing.

In response to applicant's argument, the claimed language "...expanding access to all other AP specific menu items" does not limit the displaying of AP specific menu items that are already displayed. The "All Programs" menu item display menu items that do not overlap menu items displayed in the operating system section (pg.1, pg.4, pg.5). Further, it is well known in the art that menu items are customizable under the windows

XP environment, additional options such as delete and open are associated to the menu items via a right click.

39. Applicant argues that XP in view of Gardner do not disclose "the first distinct area remains in a fixed position relative to the pointer upon movement of the pointer and the second distinct area remains in a fixed position relative to the pointer upon movement of the pointer"

In response to applicant's argument, Gardner discloses iconic imageries are displayed at distinct areas, wherein the movement of the pointer within a hot spot does not affect the display area of the iconic imageries (fig.3, "100", "120"; col.6, lines 38-42).

40. Applicant argues that XP in view of Gardner do not disclose "the graphical user interface is part of an OS shell organized into a tree-structured hierarchy".

In response to applicant's argument, the XP start menu is a part of the Windows XP operating system shell running from the operating system shell "start" menu, wherein the start menu objects are organized in a tree structure expandable via the tab next to the menu objects (pg.1 ; pg.4; pg.6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAOSHIAN SHIH whose telephone number is (571)270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Haoshian Shih/

Patent Examiner